

2003 DRAFTING REQUEST

Assembly Amendment (AA-AB724)

Received: 01/28/2004

Received By: agary

Wanted: Soon

Identical to LRB:

For: Terry Musser (608) 266-7461

By/Representing: self

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - traffic laws

Extra Copies: PJH

Submit via email: YES

Requester's email: Rep.Musser@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Warning for first violation of child safety seats for limited time period and removing assessments and fees for penalty

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	agary 02/02/2004	jdyer 02/02/2004 jdyer 02/03/2004	pgreensl 02/03/2004	_____	mbarman 02/03/2004	mbarman 02/03/2004	

FE Sent For:~

<END>

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FE Sent For:

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1/28/04

Mfg w. Rep. Mussen & ARG

- penalties : no assessments
 - remove assessments, etc., like seat belts
- after it goes into effect w/ 1 Jan. 1, 05,
 - first ticket is a warning, but for second ticket, but for a 2nd offense, they would have a penalty for a 1st
 - one warning * then covered like how it is written
- simple amendment →
 - looking toward end of this week or beginning of next

Needed
by 2/4
P.M.

ild

ASSEMBLY AMENDMENT, TO 2003 ASSEMBLY BILL 724

and (Assembly Bill 421)

At the locations indicated, amend the bill as follows:

1. Page 5, line 19: after that line insert:

"SECTION 4g. 165.755 (1) (b) of the statutes, as affected by 2003 Wisconsin Act

30, is amended to read:

165.755 (1) (b) A court may not impose the crime laboratories and drug law enforcement ~~assessment~~ ^{surcharge} under par. (a) for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5) (b), for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of a state law or municipal or county ordinance involving a nonmoving traffic violation, a seating violation under s. 347.482, or a safety belt or restraint use violation under s. 347.48 (2m) or (4).

and... (Assembly Bill 421)

SECTION 4r. 302.46 (1) (a) of the statutes, as affected by 2003 Wisconsin Act 30,

is amended to read:

302.46 (1) (a) ~~On or after October 1, 1987, if~~ If a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5), or for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of state laws or municipal or county ordinances involving nonmoving traffic violations, seating violations under s. 347.482, or safety belt or restraint use violations under s. 347.48 (2m) or (4), the court, in addition, shall impose a jail assessment in an amount of 1% of the fine or forfeiture imposed or \$10, whichever is greater. If multiple offenses are involved, the court shall determine the jail assessment on the basis of each fine or forfeiture. If a fine or forfeiture is suspended in whole or in part, the court shall reduce the jail assessment in proportion to the suspension.”.

History: 1987 a. 27; 1989 a. 22; 1989 a. 31 s. 1670c, 1670g; Stats. 1989 s. 302.46; 1989 a. 97, 359; 1991 a. 26, 32, 130, 189; 1993 a. 313; 1995 a. 201; 1999 a. 72; 2001 a. 16; 2003 a. 30.

2. Page 11, line 14: after that line insert:

“SECTION 21c. 757.05 (1) (a) of the statutes, as affected by 2003 Wisconsin Act 30,

is amended to read:

757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5), or for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of state laws or municipal or

1 county ordinances involving nonmoving traffic violations, seating violations under
2 s. 347.482, or safety belt or restraint use violations under s. 347.48 (2m) or (4), there
3 shall be imposed in addition a penalty ^{surcharge under ch. 814 ← plain} ~~assessment~~ in an amount of 24% of the fine
4 or forfeiture imposed. If multiple offenses are involved, the penalty ^{surcharge ← plain} ~~assessment~~ shall
5 be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture
6 is suspended in whole or in part, the penalty ^{surcharge ← plain} ~~assessment~~ shall be reduced in
7 proportion to the suspension.

History: 1999 a. 9 ss. 2292m, 2298, 3050m to 3050o; 1999 a. 72 s. 6; 1999 a. 150 s. 672; 2001 a. 16; 2003 a. 30, 33.

8 **SECTION 21f.** 814.63 (1) (c) of the statutes, as affected by 2003 Wisconsin Act
9 30, is amended to read:

10 814.63 (1) (c) This subsection does not apply to an action for a violation of s.
11 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5), for a first violation of s. 23.33 (4c) (a)
12 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the
13 violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the
14 time of the violation, or for a ~~violation of a safety belt or restraint~~ use violation under
15 s. 347.48 (2m) or (4) or a seating violation under s. 347.482.

History: 1981 c. 317; 1985 a. 36; 1987 a. 27, 399; 1989 a. 22, 31, 64, 97, 107, 359; 1991 a. 26, 39, 130; 1993 a. 16, 167, 313; 1995 a. 27, 227, 349; 1997 a. 27, 248; 1999 a. 9, 72; 2001 a. 16; 2003 a. 30, 33.

16 **SECTION 21i.** 814.63 (2) of the statutes, as affected by 2003 Wisconsin Act 30,
17 is amended to read:

18 814.63 (2) Upon the disposition of a forfeiture action in circuit court for
19 violation of a county, town, city, village, town sanitary district or public inland lake
20 protection and rehabilitation district ordinance, except for an action for a first
21 violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the
22 person who committed the violation had a blood alcohol concentration of 0.08 or more
23 but less than 0.1 at the time of the violation, or for a safety belt or restraint use
24 violation under s. 347.48 (2m) or (4) or a seating violation under s. 347.482, the

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county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district shall pay a nonrefundable fee of \$5 to the clerk of circuit court.

History: 1981 c. 317; 1985 a. 36; 1987 a. 27, 399; 1989 a. 22, 31, 64, 97, 107, 359; 1991 a. 26, 39, 130; 1993 a. 16, 167, 313; 1995 a. 27, 227, 349; 1997 a. 27, 248; 1999 a. 9, 72; 2001 a. 16; 2003 a. 30, 33.

SECTION 21. 814.33 (1) (a) of the statutes, as affected by 2003 Wisconsin Acts 30 and 33, is amended to read: and . . . (Assembly Bill 421)

814.33 (1) (a) Except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a safety belt or restraint use violation under s. 347.48 (2m) or (4) or a seating violation under s. 347.482, the clerk of circuit court shall charge and collect a \$68 court support services surcharge from any person, including any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).

NOTE: NOTE: Par. (a) is shown as affected by two acts of the 2003 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE: History: 1993 a. 16; 1995 a. 27, 201, 417; 2001 a. 109; 2003 a. 30, 33; s. 13.93 (2) (c).

SECTION 21. 814.33 (1) of the statutes, as affected by 2003 Wisconsin Act 30, is amended to read:

814.33 (1) Except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a safety belt or restraint use violation under s. 347.48 (2m) or (4) or a seating violation under s. 347.482, the clerk of circuit court shall charge and collect a \$9 justice information system surcharge from any person, including any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3) or (8) (am), 814.62 (1), (2) or (3) (a) or (b) or 814.63 (1). The justice information system fee is in addition to the other fees listed in this section.

History: 1987 a. 27; 1989 a. 22; 1991 a. 26, 39; 1993 a. 16; 1995 a. 27, 201; 1997 a. 27; 1999 a. 9; 2003 a. 30, 33.

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SECTION 21. 814.65 (1) of the statutes, as affected by 2003 Wisconsin Act 30, is amended to read:

814.65 (1) COURT COSTS. In a municipal court action, except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of an ordinance in conformity with s. 347.48 (2m) or (4) or 347.482, the municipal judge shall collect a fee of not less than \$15 nor more than \$23 on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons, or the action is tried as a contested matter. Of each fee received by the judge under this subsection, the municipal treasurer shall pay monthly \$5 to the state treasurer for deposit in the general fund and shall retain the balance for the use of the municipality.

NOTE: Sub. (1) is shown as affected by two acts of the 2003 legislature, eff. 7-1-04, and as merged by the revisor under s. 13.93 (2) (c). Prior to 7-1-04 it reads: NOTE:

(1) COURT COSTS. In a municipal court action, except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of an ordinance in conformity with s. 347.48 (2m), the municipal judge shall collect a fee of not less than \$15 nor more than \$23 on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons or the action is tried as a contested matter. Of each fee received by the judge under this subsection, the municipal treasurer shall pay monthly \$5 to the state treasurer for deposit in the general fund and shall retain the balance for the use of the municipality.

History: 1981 c. 317; 1983 a. 107; 1987 a. 181, 389, 399, 403; 1989 a. 22; 1991 a. 26; 1997 a. 27; 2003 a. 30, 33; s. 13.93 (2) (c).

SECTION 21u. Nonstatutory provisions.

(1) Notwithstanding section 347.50 (1) and (3) (a) of the statutes, as affected by this act, during the period beginning on the effective date of this subsection and ending on January 1, 2005, if a law enforcement officer has probable cause to believe that a person has committed a violation of section 347.48 (2m) or (4) of the statutes, as affected by this act, or of section 347.482 of the statutes, as created by this act, the law enforcement officer shall issue to the person a written warning, but not a citation, for the violation if the person has not been found to have committed, or received a written warning for, a previous violation during this period. If a law

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1 enforcement officer issues a written warning under this subsection, the officer shall
2 forward a copy of the warning to the department of transportation, which shall
3 maintain a record of the warning in the person's file under section 343.23 (2) (a) of
4 the statutes until January 1, 2005."

5 (END)